

three immediately preceding model years, except as permitted under paragraph (c) of this section; and

(3) The FEL(s) of the family or families produced by the manufacturer are no higher than those of the corresponding family or families in the previous model year, except as allowed by the Administrator; and

(4) The manufacturer submits a plan acceptable to the Administrator for coming into compliance with future model year standards including projected dates for the introduction or increased sales of engine families having FEL(s) below standard and projected dates for discontinuing or reducing sales of engines having FEL(s) above standard; and

(5)(i) The manufacturer has set its FEL using emission testing as prescribed in subpart E of this part; or

(ii) The manufacturer has set its FEL based on the equation and provisions of §91.118(h)(1)(i) and the manufacturer has submitted appropriate test data and revised its FEL(s) and recalculated its credits pursuant to the provisions of §91.118(h)(1); or

(iii) The manufacturer has set its FEL using good engineering judgment, pursuant to the provisions of §91.118(h)(1)(ii) and (h)(2).

[64 FR 15239, Mar. 30, 1999, as amended at 65 FR 24314, Apr. 25, 2000]

§91.208 Certification.

(a) In the application for certification a manufacturer must:

(1) Submit a statement that the engines for which certification is requested will not, to the best of the manufacturer's belief, cause the manufacturer to be in noncompliance under §91.207(b) when all credits are calculated for all the manufacturer's engine families.

(2) Declare an FEL for each engine family for HC plus NO_x. The FEL must have the same number of significant digits as the emission standard.

(3) Indicate the projected number of credits generated/needed for this family; the projected applicable production/sales volume, by quarter; and the values required to calculate credits as given in §91.207.

(4) Submit calculations in accordance with §91.207 of projected emission cred-

its (positive or negative) based on quarterly production projections for each family.

(5)(i) If the engine family is projected to have negative emission credits, state specifically the source (manufacturer/engine family or reserved) of the credits necessary to offset the credit deficit according to quarterly projected production.

(ii) If the engine family is projected to generate credits, state specifically (manufacturer/engine family or reserved) where the quarterly projected credits will be applied.

(b) All certificates issued are conditional upon manufacturer compliance with the provisions of this subpart both during and after the model year of production.

(c) Failure to comply with all provisions of this subpart will be considered to be a failure to satisfy the conditions upon which the certificate was issued, and the certificate may be deemed void *ab initio* pursuant to §91.123.

(d) The manufacturer bears the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied or waived.

(e) Projected credits based on information supplied in the certification application may be used to obtain a certificate of conformity. However, any such credits may be revoked based on review of end-of-year reports, follow-up audits, and any other verification steps deemed appropriate by the Administrator.

§91.209 Maintenance of records.

(a) The manufacturer must establish, maintain, and retain the following adequately organized and indexed records for each engine produced:

- (1) EPA engine family,
- (2) Engine identification number,
- (3) Engine model year and build date,
- (4) Power rating,
- (5) Purchaser and destination, and
- (6) Assembly plant.

(b) The manufacturer must establish, maintain, and retain the following adequately organized and indexed records for each engine family:

- (1) EPA engine family identification code,